THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.22054 of 2007

Between:

K.Karunakar.

.. PETITIONER

and

Government of Andhra Pradesh and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.22054 of 2007

ORDER:

It is the case of the petitioner that he and his other family members are the joint owners and pattadars of agricultural land admeasuring Ac.8-10 gts. in Sy.No.72 situated at Bakaram Village, Moinabad Mandal, Ranga Reddy District, and as there are certain boundary disputes with the neighbouring land owners, the petitioner made a representation, dated 15-11-2006, before the 5th respondent requesting to conduct survey in respect of the said land. As no action has been taken, the petitioner filed W.P.No.1333 of 2007 on the file of this Court in declaring the action of the respondents therein in not conducting survey and fixing boundary stones in respect of the land in question as illegal and arbitrary. The said writ petition was dismissed through order, dated 28-02-2007, basing on the instructions obtained by the Assistant Government Pleader for Revenue that the survey record for the entire Bakaram village is not available and, therefore, survey cannot be taken up. The provisions of the Andhra Pradesh Survey and Boundaries Act, 1923, would spring into action only when the survey record is available and if the survey record is not available, it is for the petitioner to approach the Commissioner of Survey and Settlements to take up survey.

Pursuant to the said order of this court, the petitioner sent a representation, dated 26-03-2007, to the 2nd respondent through registered post on 29-03-2007. But, the 2nd respondent has not considered and disposed of the said representation so far.

As the representation is pending, without expressing any opinion on the merits of the case, I am of the opinion that it is just and proper to direct the 2nd respondent to consider and dispose of the said representation.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation, dated 26-03-2007, which is said to have been sent by the registered post on 29-03-2007, in accordance with law, if the petitioner complies with all the requisite formalities, after giving reasonable opportunity to the petitioner, as expeditiously as possible, without any undue delay. There shall be no order as to costs.

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12-10-2007

Prv